

# HOUSE BILL No. 1369

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-30-5-15.

**Synopsis:** Operating a vehicle while intoxicated. Requires a person to be imprisoned for at least 60 days if: (1) the person committed a Class A misdemeanor or a felony under the drunken driving laws; and (2) the person's driving privileges were already suspended under the drunken driving laws at the time the person committed the offense.

**Effective:** July 1, 2002.

**Thompson, Welch, Atterholt, Noe**

January 15, 2002, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1369

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-30-5-15, AS AMENDED BY P.L.32-2000,  
2       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2002]: Sec. 15. (a) In addition to any criminal penalty  
4       imposed for an offense under this chapter, the court shall:

5       (1) order:

6           (A) that the person be imprisoned for at least five (5) days; or

7           (B) the person to perform at least thirty (30) days of  
8           community restitution or service; and

9       (2) order the person to receive an assessment of the person's  
10       degree of alcohol and drug abuse and, if appropriate, to  
11       successfully complete an alcohol or drug abuse treatment  
12       program, including an alcohol deterrent program if the person  
13       suffers from alcohol abuse;

14       if the person has one (1) previous conviction of operating while  
15       intoxicated.

16       (b) In addition to any criminal penalty imposed for an offense under  
17       this chapter, the court shall:



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(1) order:

(A) that the person be imprisoned for at least ten (10) days; or

(B) the person to perform at least sixty (60) days of community restitution or service; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if the person has at least two (2) previous convictions of operating while intoxicated.

**(c) In addition to any criminal penalty imposed for a Class A misdemeanor or a felony under this chapter, the court shall order that the person be imprisoned for at least sixty (60) days if the person's driving privileges were suspended:**

**(1) under this chapter; and**

**(2) at the time the person committed the offense.**

**(d)** Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, a sentence imposed under this section may not be suspended. The court may require that the person serve the term of imprisonment in an appropriate facility at whatever time or intervals (consecutive or intermittent) determined appropriate by the court. However:

(1) at least forty-eight (48) hours of the sentence must be served consecutively; and

(2) the entire sentence must be served within six (6) months after the date of sentencing.

~~(d)~~ **(e)** Notwithstanding IC 35-50-6, a person does not earn credit time while serving a sentence imposed under this section.

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